

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EMILO DE LA GARZA-
MONTEMAYOR

Plaintiff,

vs.

BASEL HASSOUN, M.D., *et al.*,

Defendants.

NO. CIV-18-1120-HE

ORDER

Plaintiff, a state prisoner appearing *pro se*, filed this § 1983 action alleging deliberate indifference, medical malpractice, medical negligence, and excessive force. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. Judge Jones has issued a Report and Recommendation recommending that this this action be dismissed without prejudice for failure to prosecute. Plaintiff has failed to object to the Report, thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 17]. This case is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 16th day of April, 2019.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE